

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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DAIANA AZPILCUETA, individually and on
behalf of CAL-NEVA TRANSPORT & TOW,
INC., a Nevada corporation,

Plaintiffs,

v.

THE STATE OF NEVADA, ex. rel.
TRANSPORTATION AUTHORITY, a
division of the Department of Business and
Industry, DEPARTMENT OF PUBLIC
SAFETY, OFFICE OF THE ATTORNEY
GENERAL, and CITY OF CARSON CITY, a
municipality of the State of Nevada; STEVEN
SCHUETTE, in both his professional and
individual capacity; STEVE ALBERTSEN, in
both his professional and individual capacity;
CHARLES TOLOTTI, in both his professional
and individual capacity; DEAN BUELL, in
both his professional and individual capacity;
JOHN MCGLAMERY, in both his
professional and individual capacity;
WILLIAM PROWSE, in both his professional
and individual capacity; KEVIN MCCOY, in
both his professional and individual capacity;
The PROGRESSIVE CORPORATION dba
PROGRESSIVE CASUALTY INSURANCE
COMPANY, an Ohio corporation; GALE
LUNDEEN, an individual; MARCOS BRITO,
an individual; and DOE DEFENDANTS 1-50,

Defendants.

3:09-CV-00593-LRH-VPC

ORDER

1 Before the court is Defendant Gale Lundeen's Application for Costs (#119¹), along with
2 Plaintiffs' opposition (#123). No reply was filed. The motion follows this court's order (#105)
3 granting Lundeen's motion for judgment on the pleadings and dismissing all claims against
4 Lundeen.

5 Although styled as an application for costs, Defendant's motion is actually a motion for
6 attorney's fees under 42 U.S.C. § 1988(b). That provision does not authorize an award of
7 attorney's fees in this case, however, as only common law causes of action for conspiracy and
8 intentional infliction of emotional distress were alleged against Defendant. *See id.* Moreover, even
9 if fees were recoverable, Defendant's perfunctory motion fails to comply with Local Rule 54-16.

10 IT IS THEREFORE ORDERED that Defendant Gale Lundeen's Application for Costs
11 (#119) is DENIED.

12 IT IS SO ORDERED.

13 DATED this 14th day of September, 2011.



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16 LARRY R. HICKS
17 UNITED STATES DISTRICT JUDGE
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25 ¹Refers to the court's docket entry number.
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